

# HOUSE JOURNAL

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SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SIXTY-SIXTH DAY — TUESDAY, MAY 6, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 310).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culbertson; Danburg; Davila; Davis; Delisi; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — West.

The invocation was offered by David Hunt, pastor, United Pentecostal Church, Center, as follows:

Father, we come before your presence today to ask your help in all that we do. We recognize decisions that are made by those in this chamber will affect Texas for generations to come. It is not a light thing that we do here today. Give us guidance and direction. I pray that you will give each member courage and wisdom. Wisdom to know the right thing to do and courage to do the right thing.

The task that is before us is greater than any of us, so we ask you to enable us to do what is pleasing to you. We are mere mortals and we need your help.

Father, we also ask your special help for the families of these that are making the sacrifice to serve. We pray that you will give them strength and help and comfort. We ask these things for your glory. In the name of Jesus Christ we pray. Amen.

## LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business in the district:

West on motion of Driver.

### INTRODUCTION OF GUESTS

The speaker recognized Representative Tillery, who introduced Mayor Lonnie Hopkins and his wife.

**HR 653**, honoring Mayor Lonnie Hopkins for his many significant contributions to the Seagoville community, having been previously adopted, was read.

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

(Speaker pro tempore in the chair)

#### **HR 823 - ADOPTED** (by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 823**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 823**, Congratulating Viola Beatrice Jackson Bracelet on the occasion of her 90th birthday.

**HR 823** was adopted without objection.

### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of a death in the family:

Kubiak on motion of R. Lewis.

#### **HR 824 - ADOPTED** (by Wohlgemuth)

Representative Wohlgemuth moved to suspend all necessary rules to take up and consider at this time **HR 824**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 824**, Commemorating the dedication of the James Hardie Building Products facility in Cleburne.

**HR 824** was adopted without objection.

### CAPITOL PHYSICIAN

The speaker pro tempore recognized Representative Greenberg who presented Dr. David Pampe of Austin as the "Doctor for the Day."

The house welcomed Dr. Pampe and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### **PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR**

Representative Edwards moved to set a local, consent, and resolutions calendar for 10 a.m. Wednesday, May 7.

The motion prevailed without objection.

### **PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR**

Representative Edwards moved to set a congratulatory and memorial calendar for 10 a.m. Saturday, May 10.

The motion prevailed without objection.

### **PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR**

Representative Edwards moved to set a local, consent, and resolutions calendar for 10 a.m. Saturday, May 10.

The motion prevailed without objection.

### **REGULAR ORDER OF BUSINESS SUSPENDED**

On motion of Representative Greenberg and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

### **HB 3607 - PERMISSION TO INTRODUCE**

Representative Counts requested permission to introduce and have placed on first reading **HB 3607**.

A record vote was requested.

Permission to introduce was granted by (Record 311): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Raymond; Reyna, A.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Kubiak; West.

Absent — Moreno; Rangel; Reyna, E.

**HR 561 - ADOPTED**  
**(by Greenberg)**

Representative Greenberg moved to suspend all necessary rules to take up and consider at this time **HR 561**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 561**, Granting the Texas Association for Symphony Orchestras permission to use the house chamber on April 17, 1998.

**HR 561** was adopted without objection.

**HB 794 - HOUSE CONCURS IN SENATE AMENDMENTS**  
**TEXT OF SENATE AMENDMENTS**

Representative A. Reyna called up with senate amendments for consideration at this time,

**HB 794**, A bill to be entitled An Act relating to intergovernmental contracting by certain hospital districts.

On motion of Representative A. Reyna, the house concurred in the senate amendments to **HB 794**.

**Senate Amendment No. 1 (Senate Committee Amendment No. 1)**

Amend **HB 794** by inserting the following new sections, appropriately numbered, to read as follows:

SECTION \_\_\_\_\_. Section 281.050, Health and Safety Code, is amended to read as follows:

281.050. POWERS RELATING TO DISTRICT PROPERTY, FACILITIES, AND EQUIPMENT. With the approval of the commissioners court, the board may construct, condemn, acquire, lease, add to, maintain, operate, develop, regulate, sell, exchange, and convey any property, property right, equipment, hospital facility, or system to maintain a hospital, building, or other facility or to provide a service required by the district. Approval of the commissioners court shall be required for the sale or lease of a hospital facility regardless of the provisions of section 285.051.

**HB 1474 - HOUSE CONCURS IN SENATE AMENDMENTS**  
**TEXT OF SENATE AMENDMENTS**

Representative Bonnen called up with senate amendments for consideration at this time,

**HB 1474**, A bill to be entitled An Act relating to the disbursement of county funds to certain debtors.

On motion of Representative Bonnen, the house concurred in the senate amendments to **HB 1474**.

**Senate Amendment No. 1 (Senate Committee Amendment No. 1)**

Amend **HB 1474** as follows:

On line 8, strike "or" and substitute "and".

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 48, Senate List No. 19).

**SB 263 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Cuellar submitted the conference committee report on **SB 263**.

Representative Cuellar moved to adopt the conference committee report on **SB 263**.

The motion prevailed without objection.

**POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

**SB 606 ON SECOND READING**

(Hinojosa - House Sponsor)

**SB 606**, A bill to be entitled An Act relating to the establishment and operation of a regional academic health center by The University of Texas System.

**SB 606** was considered in lieu of **CSHB 1557**.

**SB 606** was read second time.

(Speaker in the chair)

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Rabuck, Representative Hinojosa offered the following committee amendment to **SB 606**:

Amend **SB 606** as follows:

(1) In SECTION 1, in proposed Section 74.611(a), Education Code (page 1, lines 13-14, engrossed version), strike ", if general revenue funds are specifically appropriated by the legislature for that purpose".

(2) In SECTION 1, at the end of proposed Section 74.611(a), Education Code, after "center" and before the period (page 1, lines 13-14, engrossed version), insert ", including Driscoll Children's Hospital for on-site pediatrics in the counties listed in this subsection".

(3) Add a new SECTION 2 to read as follows and renumber the subsequent sections accordingly:

SECTION 2. Not later than May 31, 1998, the Texas Higher Education Coordinating Board shall prepare an impact statement examining the initial implementation of this Act and shall deliver a copy of the statement to the Board of Regents of The University of Texas System and to the chairs of the standing committees of each house of the legislature with primary jurisdiction over higher education.

Amendment No. 1 was adopted without objection.

**SB 606**, as amended, was passed to third reading. (Corte, Galloway, Heflin, and Madden recorded voting no)

### **CSHB 1557 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Hinojosa moved to lay **CSHB 1557** on the table subject to call.

The motion prevailed without objection.

### **CSHB 2877 ON SECOND READING**

(by Greenberg, Naishtat, Maxey, Keel, and Dukes)

**CSHB 2877**, A bill to be entitled An Act relating to the issuance of bonds for projects by the Texas Public Finance Authority.

**CSHB 2877** was read second time on May 2 and was postponed until 10 a.m. today.

#### **Amendment No. 1**

Representative Greenberg offered the following amendment to **CSHB 2877**:

Amend **CSHB 2877** on page 2, by striking lines 12-26 and substituting the following:

7. State Board of Insurance Building in Travis County; <u>facilities associated with relocation of the State Aircraft Pooling Board (not to exceed an estimated amount of \$7,000,000); and the acquisition and development of acreage at Robert Mueller Municipal Airport for a state complex (not to exceed an estimated amount of \$41,000,000)</u>	59,937,000
8. State Data Processing Disaster Recovery Operations Center in Travis County	3,011,000
9. Purchase and Renovation of New Headquarters and Warehouse for <del>[State Purchasing and]</del> General Services Commission in Travis County	2,000,000
10. Purchase and Renovation of an Office Building in Travis County	43,500,000
11. Laboratory and Office Facilities for the Texas Department of Health	42,300,000
TOTAL	\$170,933,000

Amendment No. 1 was adopted without objection.

**CSHB 2877**, as amended, was passed to engrossment.

**MAJOR STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

The following bills were laid before the house and read third time:

**HB 1664 ON THIRD READING  
(by Oliveira and Keel)**

**HB 1664**, A bill to be entitled An Act relating to the imposition of a criminal penalty for the removal, damage, or intentional concealment of signs or markers giving information about the location of certain underground facilities.

**HB 1664** was passed.

**MAJOR STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

The following bills were laid before the house and read second time:

**CSSB 367 ON SECOND READING  
(Hightower - House Sponsor)**

**CSSB 367**, A bill to be entitled An Act relating to the continuation and functions of the Commission on Jail Standards.

**CSSB 367** was considered in lieu of **HB 2532**.

**CSSB 367** was passed to third reading. (Corte and Keel recorded voting no)

**HB 2532 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Hightower moved to lay **HB 2532** on the table subject to call.

The motion prevailed without objection.

**HR 818 - ADOPTED  
(by Olivo)**

Representative Olivo moved to suspend all necessary rules to take up and consider at this time **HR 818**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 818**, Honoring Judge Jodie E. Stavinoha.

**HR 818** was read and was adopted without objection.

On motion of Representative Uher, the names of all the members of the house were added to **HR 818** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Olivo, who introduced Judge Jodie E. Stavinoha and his family.

**HB 3585 ON SECOND READING**  
**(by Greenberg, Naishtat, Maxey, Dukes, and Keel)**

**HB 3585**, A bill to be entitled An Act relating to authorizing the General Services Commission to convey certain state-owned property to the City of Austin.

**HB 3585** was passed to engrossment.

**CSHB 95 ON SECOND READING**  
**(by Nixon, et al.)**

**CSHB 95**, A bill to be entitled An Act relating to summary judgments in civil actions.

Representative Nixon moved to table **CSHB 95**.

The motion to table prevailed.

**STATEMENT BY REPRESENTATIVE NIXON**

**CSHB 95** was tabled by my motion because the Texas Supreme Court revised Texas Rule of Civil Procedure 166a in Misc. Docket No. 97-9067 to fulfill all the issues addressed in my bill. The bill was, therefore, unnecessary after the Supreme Court's change of Rule 166a.

Nixon

**CONSTITUTIONAL AMENDMENTS CALENDAR**  
**HOUSE JOINT RESOLUTIONS**  
**SECOND READING**

The following resolutions were laid before the house and read second time:

**CSHJR 1 ON SECOND READING**  
**(by Gallego)**

**CSHJR 1**, A joint resolution proposing a constitutional amendment relating to the purposes for which money in the compensation to victims of crime fund and the compensation to victims of crime auxiliary fund may be used.

Representative Counts moved to postpone consideration of **CSHJR 1** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

**GENERAL STATE CALENDAR**  
**HOUSE BILLS**  
**THIRD READING**

The following bills were laid before the house and read third time:

**HB 2491 ON THIRD READING**  
**(by Alexander)**

**HB 2491**, A bill to be entitled An Act relating to participation by community colleges in the state employee charitable contribution program.

**HB 2491** was passed.



**HB 2673 ON THIRD READING****(by Janek)**

**HB 2673**, A bill to be entitled An Act relating to the disclosure of health care information by certain providers of health care.

A record vote was requested.

**HB 2673** was passed by (Record 312): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Galloway; Garcia; Glaze; Goodman; Goolsby; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kubiak; West.

Absent — Delisi; Flores; Giddings; Gray; McCall.

**STATEMENT OF VOTE**

When Record No. 312 was taken, I was in the house but away from my desk. I would have voted yes.

McCall

**HB 2900 ON THIRD READING****(by Crabb)**

**HB 2900**, A bill to be entitled An Act relating to the authority of a municipality and a county to regulate the subdivision of land in the extraterritorial jurisdiction of a municipality.

**HB 2900** was passed.

**HB 3530 ON THIRD READING****(by Holzheuser)**

**HB 3530**, A bill to be entitled An Act relating to energy savings projects for school districts, institutions of higher education and state agencies.

A record vote was requested.

**HB 3530** was passed by (Record 313): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kubiak; West.

Absent — Hinojosa; Williamson.

**HB 1751 ON THIRD READING**  
(by West)

**HB 1751**, A bill to be entitled An Act relating to certain individuals who may bring a suit to contest the paternity of a child.

**HB 1751** was passed.

**HB 1637 ON THIRD READING**  
(by Alvarado)

**HB 1637**, A bill to be entitled An Act relating to increased penalties for fraudulent or other unlawful acts committed under the state Medicaid program that result in injury to a child.

**HB 1637** was passed.

**HB 1070 ON THIRD READING**  
(by Van de Putte)

**HB 1070**, A bill to be entitled An Act relating to drug regulation and enforcement under the Texas Controlled Substances Act and to the authority of certain state agencies under that Act; imposing criminal penalties.

**Amendment No. 1**

Representative Van de Putte offered the following amendment to **HB 1070**:

Amend **HB 1070** (Second Reading Engrossment) as follows:

(1) On page 6, lines 12 and 13, strike "a greater number of abuse units

results from application of the definition provided by this paragraph" and substitute "the controlled substance is in liquid form".

(2) On page 25, line 24, strike the comma.

(3) On page 25, strike lines 25-26, and substitute "shall establish schedules of controlled [with the approval of the Texas Board of Health, may add]".

(4) On page 30, lines 3-4, strike "Texas Board of Health approves an action by the commissioner" and substitute "commissioner takes action".

(5) On page 30, lines 8-9, strike "and is approved by the Texas Board of Health".

(6) Strike SECTION 10 of the bill and renumber the sections of the bill accordingly.

(7) On page 69, line 9, strike "felony of the third degree" and substitute "state jail felony".

Amendment No. 1 was adopted without objection.

### **Amendment No. 2**

Representative Van de Putte offered the following amendment to **HB 1070**:

Amend **HB 1070** by adding an appropriately numbered SECTION to the bill, to read as follows, and renumbering the existing SECTIONS of the bill accordingly:

SECTION \_\_. Section 15(d), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(d) A judge may impose as a condition of community supervision that a defendant submit at the beginning of the period of community supervision to a term of confinement in a state jail felony facility for a term of not less than 90 days or more than 180 days, or a term of not less than 90 days or more than one year if the defendant is convicted of an offense punishable as a state jail felony under Section 481.112, ~~481.1121~~, 481.113, or 481.120, Health and Safety Code. A judge may not require a defendant to submit to both the term of confinement authorized by this subsection and a term of confinement under Section 5 or 12 of this article. For the purposes of this subsection, a defendant previously has been convicted of a felony regardless of whether the sentence for the previous conviction was actually imposed or was probated and suspended.

Amendment No. 2 was adopted without objection.

**HB 1070**, as amended, was passed.

### **HB 89 ON THIRD READING (by Talton and Nixon)**

**HB 89**, A bill to be entitled An Act relating to the applicability of habitual offender punishment provisions to certain defendants convicted of state jail felonies.

**HB 89** was passed. (Dutton recorded voting no)

### **HB 1028 ON THIRD READING (by Krusee)**

**HB 1028**, A bill to be entitled An Act relating to strategic partnership agreements between certain local governments.

**HB 1028** was passed.

**HB 1937 ON THIRD READING****(by Flores)**

**HB 1937**, A bill to be entitled An Act relating to notice to an owner or operator of a motor vehicle of security required following an accident.

**HB 1937** was passed.

**HB 671 ON THIRD READING****(by Alvarado)**

**HB 671**, A bill to be entitled An Act relating to a prohibition of certain underwriting decisions based on credit reports; providing a penalty.

A record vote was requested.

**HB 671** was passed by (Record 314): 73 Yeas, 71 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Burnam; Chavez; Coleman; Cuellar; Danburg; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Gray; Greenberg; Gutierrez; Hawley; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Jones, J.; Junell; King; Lewis, G.; Longoria; Luna; Maxey; McCall; McClendon; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Olivo; Patterson; Pickett; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Serna; Solis; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Bonnen; Brimer; Carter; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Culberson; Delisi; Denny; Driver; Elkins; Finnell; Galloway; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Kamel; Keel; Keffer; Krusee; Kuempel; Lewis, R.; Madden; Merritt; Moffat; Mowery; Nixon; Palmer; Pitts; Rabuck; Reyna, E.; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Telford; Uher; Walker; Williams; Williamson; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kubiak; West.

Absent — Marchant; Stiles.

**HB 3380 ON THIRD READING****(by Counts)**

**HB 3380**, A bill to be entitled An Act relating to the adoption of the National Guard Mutual Assistance Counter-drug Activities Compact.

A record vote was requested.

**HB 3380** was passed by (Record 315): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Keel; Keffer; King; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbrank.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kubiak; West.

Absent — Alvarado; Cuellar; Flores; Kamel; Moffat; Stiles.

### **HB 891 ON THIRD READING**

**(by Hartnett, Giddings, et al.)**

**HB 891**, A bill to be entitled An Act relating to the age of a person who may be married without formalities.

**HB 891** was passed.

### **STATEMENT BY REPRESENTATIVE WILLIAMS**

I would like for the record to reflect my whole-hearted support of **HB 891**. Parental permission is required for children 14-17 to marry in Texas. Common sense should dictate that formal marriage should be required. This bill is a giant step forward in protecting our teenage girls from sexually predatory males.

Williams

### **HB 1336 ON THIRD READING**

**(by Wise)**

**HB 1336**, A bill to be entitled An Act relating to the emergency protection of children.

A record vote was requested.

**HB 1336** was passed by (Record 316): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland;

Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kubiak; West.

Absent — Danburg; Hinojosa; Krusee; Moffat; Patterson; Reyna, A.

### STATEMENT OF VOTE

When Record No. 316 was taken, I was in the house but away from my desk. I would have voted yes.

Danburg

### HB 1466 ON THIRD READING (by Puente)

**HB 1466**, A bill to be entitled An Act relating to the probation ordered for certain delinquent conduct and the waiver and transfer of jurisdiction by a juvenile court.

#### Amendment No. 1

Representative Puente offered the following amendment to **HB 1466**:

Amend **HB 1466** as follows by inserting a new section appropriately numbered to read as follows and renumber the other sections appropriately:

SECTION \_\_\_\_\_. Section 54.03(a), Family Code, is amended to read as follows:

(a) A child may be found to have engaged in delinquent conduct or conduct indicating a need for supervision by entering a plea of true to the petition in open court. [only] If the child chooses not to enter a plea of true, the child may be found to have engaged in delinquent conduct or conduct indicating a need for supervision only after an adjudication hearing conducted in accordance with the provisions of this section.

Amendment No. 1 was adopted without objection.

**HB 1466**, as amended, was passed.

### HB 1476 ON THIRD READING (by Bonnen)

**HB 1476**, A bill to be entitled An Act relating to the priorities for distribution of certain assets of insurance companies in receivership.

**HB 1476** was passed.

**HB 1166 ON THIRD READING****(by Garcia)**

**HB 1166**, A bill to be entitled An Act relating to municipal regulations concerning insurance for taxicabs.

**HB 1166** was passed. (Craddick, Culberson, and Puente recorded voting no)

**HB 864 ON THIRD READING****(by McCall)**

**HB 864**, A bill to be entitled An Act relating to coverage under group health benefit plans for certain students.

**HB 864** was passed.

**HB 2846 ON THIRD READING****(by Berlanga and Maxey)**

**HB 2846**, A bill to be entitled An Act relating to the provision of health care services by advanced practice nurses and physician assistants in collaborative practice with physicians.

**Amendment No. 1**

Representative Janek offered the following amendment to **HB 2846**:

Amend **HB 2846** on third reading as follows:

(1) On page 2, strike lines 15 through 21 and substitute with the following:  
(b) a licensed hospital, a licensed long-term facility, and a licensed adult care center where both the physician and the physician assistant or advanced nurse practitioner are authorized to practice, or an established patient's residence;  
[or]

(c) a clinic operated by or for the benefit of a public school district for the purpose of providing care to the students of that district and the siblings of those students, as long as the student's parent or guardian has given written informed consent for the diagnosis and treatment, and the parent or guardian is notified of the treatment once it is given.

Amendment No. 1 was withdrawn.

A record vote was requested.

**HB 2846** was passed by (Record 317): 84 Yeas, 58 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Burnam; Carter; Chavez; Christian; Clark; Coleman; Cook; Counts; Cuellar; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Gray; Greenberg; Gutierrez; Hawley; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Hunter; Isett; Janek; Jones, D.; Jones, J.; Junell; King; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Olivo; Patterson; Pickett; Pitts; Place; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Serna; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Wilson; Wise; Wolens; Yarbrough; Zbraneck.

Nays — Allen; Averitt; Bonnen; Brimer; Chisum; Corte; Crabb; Craddick; Culberson; Delisi; Denny; Driver; Elkins; Finnell; Galloway; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilbert; Hill; Holzheuser; Horn; Howard; Hupp; Jackson; Kamel; Keel; Keffer; Krusee; Kuempel; Madden; Marchant; McCall; Merritt; Mowery; Nixon; Palmer; Rabuck; Reyna, E.; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Walker; Williams; Williamson; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kubiak; West.

Absent — Danburg; Hilderbran; Moffat; Price.

### **STATEMENTS OF VOTE**

When Record No. 317 was taken, I was in the house but away from my desk. I would have voted yes.

Danburg

When Record No. 317 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

I was shown voting no on Record No. 317. I intended to vote yes.

Keffer

### **HB 767 ON THIRD READING**

(by Junell, et al.)

**HB 767**, A bill to be entitled An Act relating to an exemption from tuition and fees at a public institution of higher education for certain students in foster or other residential care.

**HB 767** was passed.

### **HB 1427 ON THIRD READING**

(by Hightower)

**HB 1427**, A bill to be entitled An Act relating to the possession and use of tobacco products by employees of the institutional division of the Texas Department of Criminal Justice.

**HB 1427** was passed.

### **HB 1784 ON THIRD READING**

(by Hilderbran)

**HB 1784**, A bill to be entitled An Act relating to the amount of assistance granted under the financial assistance program for persons with dependent children.

**HB 1784** was passed.



**HB 2799 ON THIRD READING**  
**(by Marchant)**

**HB 2799**, A bill to be entitled An Act relating to investment practices of governmental entities.

**HB 2799** was passed.

**HB 2606 ON THIRD READING**  
**(by Ramsay)**

**HB 2606**, A bill to be entitled An Act relating to the appraisal and ad valorem taxation of a retail manufactured housing inventory; providing penalties.

**HB 2606** was passed.

**HB 812 ON THIRD READING**  
**(by Janek, E. Reyna, Christian, Pickett, Galloway, et al.)**

**HB 812**, A bill to be entitled An Act relating to certain contracts between health maintenance organizations and physicians or other providers.

**HB 812** was passed.

**HB 1418 ON THIRD READING**  
**(by Alexander, Siebert, et al.)**

**HB 1418**, A bill to be entitled An Act relating to the regulation of motor carriers of household goods.

**HB 1418** was passed.

**HB 561 ON THIRD READING**  
**(by Hochberg)**

**HB 561**, A bill to be entitled An Act relating to the exchange of information between certain health care regulatory agencies.

**HB 561** was passed.

**HB 2062 ON THIRD READING**  
**(by Van de Putte)**

**HB 2062**, A bill to be entitled An Act relating to rate proceedings before the commissioner of insurance.

**HB 2062** was passed.

**HB 1528 ON THIRD READING**  
**(by Oliveira)**

**HB 1528**, A bill to be entitled An Act relating to the smart jobs fund program.

Representative Oliveira moved to postpone consideration of **HB 1528** until 1:00 p.m. today.

The motion prevailed without objection.

**HB 966 ON THIRD READING****(by Oakley, Kamel, Solomons, Greenberg, and Gray)**

**HB 966**, A bill to be entitled An Act relating to water safety; providing penalties.

**Amendment No. 1**

Representative Williams offered the following amendment to **HB 966**:

Amend **HB 966** on third reading as follows:

In the first sentence of proposed Section 31.092(f), Parks and Wildlife Code, between "municipality" and "that", insert "in a county with a population of more than one million".

In the second sentence of proposed Section 31.092(f), Parks and Wildlife Code, between "district" and "encompassing", insert "prior to September 1, 1997".

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Keel offered the following amendment to **HB 966**:

Amend **HB 966** (Second Reading Engrossment) as follows:

(1) On page 9, between lines 16 and 17, insert the following;

(c) The commission by rule may create exemptions for peace officers from marine safety enforcement officer training and certification requirements imposed by statute.

(2) On page 9, line 17, strike "(c)" and substitute "(d)".

(3) On page 9, line 22, strike "(d)" and substitute "(e)".

Amendment No. 2 was adopted without objection.

**HB 966**, as amended, was passed. (Keel recorded voting yes; Craddick, Culberson, Finnell, Horn, and Shields, no)

**HB 2749 ON THIRD READING****(by McClendon)**

**HB 2749**, A bill to be entitled An Act relating to standards adopted for and registry of juvenile pre-adjudication and post-adjudication secure detention and correctional facilities by the Texas Juvenile Probation Commission.

**HB 2749** was passed.

**SB 249 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative S. Turner submitted the conference committee report on **SB 249**.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today to attend a conference committee meeting:

Eiland on motion of Janek.

**SB 249 - (consideration continued)**

Representative S. Turner moved to adopt the conference committee report on **SB 249**.

A record vote was requested.

The motion prevailed by (Record 318): 96 Yeas, 45 Nays, 1 Present, not voting.

Yeas — Alvarado; Averitt; Bailey; Berlanga; Bosse; Burnam; Carter; Chavez; Christian; Coleman; Cook; Corte; Counts; Cuellar; Danburg; Davila; Davis; Denny; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Gray; Greenberg; Gutierrez; Hawley; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Howard; Hunter; Isett; Jackson; Janek; Jones, D.; Jones, J.; Keel; King; Krusee; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McCall; McClendon; McReynolds; Moreno; Mowery; Naishtat; Nixon; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Sadler; Serna; Shields; Siebert; Solis; Staples; Stiles; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Wilson; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Nays — Alexander; Allen; Bonnen; Brimer; Chisum; Clark; Crabb; Craddick; Culberson; Driver; Elkins; Finnell; Galloway; Goolsby; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Hupp; Junell; Kamel; Keffer; Kuempel; Madden; Marchant; Merritt; Rabuck; Reyna, E.; Rhodes; Roman; Seaman; Smithee; Solomons; Swinford; Uher; Walker; Williams; Williamson; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Kubiak; West.

Absent — Delisi; Moffat; Oakley; Smith.

Representative S. Turner moved to reconsider the vote by which the conference committee report on **SB 249** was adopted.

The motion to reconsider prevailed.

Representative S. Turner moved to adopt the conference committee report on **SB 249**.

A record vote was requested.

The motion prevailed by (Record 319): 133 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Craddick; Cuellar; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Farrar; Finnell; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hawley; Hernandez; Hightower; Hilbert; Hilderbran; Hinojosa; Hirschi; Hochberg; Holzheuser; Horn; Hunter;

Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; Williams; Williamson; Wilson; Wise; Wohlgenuth; Wolens; Woolley; Yarbrough; Zbrank.

Nays — Crabb; Culberson; Heflin; Hill; Madden; Rabuck; Swinford.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Kubiak; West.

Absent — Galloway; Hartnett; Hodge; Howard; Moffat.

### **HB 1741 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative R. Lewis called up with senate amendments for consideration at this time,

**HB 1741**, A bill to be entitled An Act relating to the reconciliation of county checks and warrants.

On motion of Representative R. Lewis, the house concurred in the senate amendments to **HB 1741**.

### **Senate Amendment No. 1 (Senate Committee Amendment No. 1)**

Amend **HB 1741** as follows:

On line 21, strike "provided" and substitute "retained".

### **RULES SUSPENDED**

Representative Marchant moved to suspend the 5-day posting rule to allow the Committee on Financial Institutions to consider **SB 394**, **SB 835**, **SB 1098**, **SB 1290**, **SB 1635**, **SB 1663**, and **SB 1781**.

The motion prevailed without objection.

Representative Craddick moved to suspend the 5-day posting rule to allow the Committee on Ways and Means to consider **SB 102**.

The motion prevailed without objection.

Representative Thompson moved to suspend the 5-day posting rule to allow the Committee on Judicial Affairs to consider **SB 310** and **SB 743**.

The motion prevailed without objection.

Representative Danburg moved to suspend the 5-day posting rule to allow the Committee on Elections to consider **HB 1645**.

The motion prevailed without objection.

### COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Natural Resources, on noon recess today, Desk 9.

Agriculture and Livestock, on noon recess today, Desk 17, to consider **SB 372**.

Criminal Jurisprudence, 9 a.m., Wednesday, May 7, E2.018, Capitol Extension.

County Affairs, on noon recess today, Desk 4.

### BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

### RECESS

Representative Uher moved that the house recess until 2 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:27 p.m., recessed until 2 p.m. today.

### AFTERNOON SESSION

The house met at 2 p.m. and was called to order by the speaker.

### LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **HB 1**:

Junell on motion of Brimer.

Delisi on motion of Brimer.

Coleman on motion of Brimer.

Glaze on motion of Brimer.

Gallego on motion of Brimer.

Swinford on motion of Brimer.

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

### POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

**HB 1528 ON THIRD READING**  
**(by Oliveira)**

**HB 1528**, A bill to be entitled An Act relating to the smart jobs fund program.

**HB 1528** was read third time earlier today and was postponed until 1:00 p.m. today.

**Amendment No. 1**

Representative Oliveira offered the following amendment to **HB 1528**:

Amend **HB 1528** on Third Reading as follows:

(1) In Section 481.155(a)(5), Government Code, strike "Sec. 2302.402(c)" and substitute "Section 2303.402(c)".

(2) In Section 481.155(d), Government Code, strike "increase by the greater of" and substitute "increase to the greater of".

(3) Amend Section 481.155(e), Government Code, to read:

(e) [(f)] An employer may apply for a grant under this chapter, and an employer who is a micro-business may request a modification of the requirements provided by Subsection (d) and Section 481.159(c), if:

(1) the employer is required to reduce or eliminate the employer's work force because of reductions in overall employment within an industry;

(2) [or] a substantial change in the skills required to continue the employer's business exists because of technological changes; or

(3) other reasonable factors, as determined by [-In awarding a grant under this subsection,] the executive director, exist [may modify the requirements of Subsection (e)].

(4) In Section 481.155(g), Government Code, strike "the employer" and substitute "that employer".

(5) In Section 481.155(j), Government Code, strike "Section 2302.003" and substitute "Section 2303.003".

Amendment No. 1 was adopted without objection.

**HB 1528**, as amended, was passed.

**HB 697 ON THIRD READING**  
**(by Dutton)**

**HB 697**, A bill to be entitled An Act relating to contracting by court reporters.

**HB 697** was read third time on May 5 and was postponed until 1:30 p.m. today.

Representative Dutton moved to postpone consideration of **HB 697** until 10 a.m. Wednesday, May 7.

The motion prevailed without objection.

**GENERAL STATE CALENDAR**  
**SENATE BILLS**  
**THIRD READING**

The following bills were laid before the house and read third time:

**SB 753 ON THIRD READING**  
**(Gray - House Sponsor)**

**SB 753**, A bill to be entitled An Act relating to the liability of the operator of a railroad.

A record vote was requested.

**SB 753** was passed by (Record 320): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Denny; Driver; Dukes; Dunnam; Dutton; Ehrhardt; Elkins; Farrar; Finnell; Flores; Galloway; Garcia; Giddings; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Kamel; Keel; Keffer; King; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Glaze; Kubiak; West.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Swinford.

Absent — Edwards; Hawley; Hinojosa.

**STATEMENT OF VOTE**

When Record No. 320 was taken, I was in the house but away from my desk. I would have voted yes.

Hawley

**SB 1879 ON THIRD READING**  
**(Krusee - House Sponsor)**

**SB 1879**, A bill to be entitled An Act relating to the powers of the Lower Colorado River Authority to provide water services in Williamson County.

A record vote was requested.

**SB 1879** was passed by (Record 321): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte;

Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Farrar; Finnell; Flores; Galloway; Garcia; Giddings; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Kamel; Keel; Keffer; King; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Eiland; Glaze; Kubiak; West.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Swinford.

### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business:

Bosse on motion of S. Turner.

### SB 667 ON THIRD READING (Naishtat - House Sponsor)

**SB 667**, A bill to be entitled An Act relating to the creation and administration of a program to assist individuals who are deaf or hard of hearing or who have an impairment of speech to purchase specialized telecommunications devices for telephone service access.

A record vote was requested.

**SB 667** was passed by (Record 322): 106 Yeas, 26 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Brimer; Burnam; Carter; Chavez; Christian; Clark; Cook; Counts; Cuellar; Danburg; Davila; Davis; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Farrar; Finnell; Flores; Galloway; Garcia; Giddings; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hernandez; Hightower; Hilbert; Hilderbran; Hirschi; Hochberg; Hodge; Holzheuser; Hunter; Jones, D.; Jones, J.; Kamel; Keel; Keffer; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Oakley; Olivo; Patterson; Pickett; Pitts; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Roman; Sadler; Seaman; Serna; Smith; Smithee; Solis; Stiles; Telford; Thompson;



Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; Williams; Williamson; Wilson; Wise; Wohlgemuth; Yarbrough; Zbranek.

Nays — Chisum; Corte; Crabb; Craddick; Culberson; Denny; Hamric; Hartnett; Heflin; Hill; Horn; Hupp; Isett; Jackson; Janek; King; Madden; Nixon; Palmer; Rabuck; Reyna, E.; Shields; Siebert; Staples; Talton; Woolley.

Present, not voting — Mr. Speaker(C); Howard.

Absent, Excused — Bosse; Eiland; Glaze; Kubiak; West.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Swinford.

Absent — Hawley; Hinojosa; Oliveira; Solomons; Wolens.

### STATEMENT OF VOTE

When Record No. 322 was taken, I was in the house but away from my desk. I would have voted yes.

Hawley

### SB 900 ON THIRD READING (Yarbrough - House Sponsor)

**SB 900**, A bill to be entitled An Act relating to eligibility for, and payment of, benefits by certain public retirement systems for municipal employees.

**SB 900** was passed.

### SB 1913 ON THIRD READING (Smithee - House Sponsor)

**SB 1913**, A bill to be entitled An Act relating to the application of insurance law to certain service contracts and asset management contracts.

**SB 1913** was passed.

### SB 758 ON THIRD READING (Serna, West, and Staples - House Sponsors)

**SB 758**, A bill to be entitled An Act relating to the offense of criminal mischief involving graffiti and the regulation of customer access to aerosol paint.

#### Amendment No. 1

Representatives King and Staples offered the following amendment to **SB 758**:

Amend **SB 758** on third reading in SECTION 4 of the bill, at the end of proposed Section 485.019, Health and Safety Code, by adding the following:

(h) This section applies only to a business establishment that is located in a county with a population of 75,000 or more.

Amendment No. 1 was adopted without objection.

**SB 758**, as amended, was passed. (Corte recorded voting no)

**SB 802 ON THIRD READING**  
**(Maxey - House Sponsor)**

**SB 802**, A bill to be entitled An Act relating to the collection of certain information related to health care and the functions and duties of the Texas Health Care Information Council; providing a penalty.

**SB 802** was passed.

(Price in the chair)

**HR 803 - ADOPTED**  
**(by Mowery)**

Representative Mowery moved to suspend all necessary rules to take up and consider at this time **HR 803**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 803**, Recognizing May 6-12, 1997, as Texas Nurses Week and May 6, 1997, as Texas Nurses Day.

**HR 803** was read and was adopted without objection.

On motion of Representative Naishtat, the names of all the members of the house were added to **HR 803** as signers thereof.

**GENERAL STATE CALENDAR**  
**HOUSE BILLS**  
**SECOND READING**

The following bills were laid before the house and read second time:

**CSHB 318 ON SECOND READING**  
**(by Cuellar, et al.)**

**CSHB 318**, A bill to be entitled An Act relating to the public education grant program.

**Amendment No. 1**

Representative Cuellar offered the following amendment to **CSHB 318**:

Amend **CSHB 318** as follows:

(1) On page 4, between lines 20 and 21, insert the following new section:  
SECTION 2. Subchapter G, Chapter 29, Education Code, is amended by adding Section 29.204 to read as follows:

Sec. 29.204. NOTIFICATION. (a) Not later than July 1 of each year, the commissioner shall provide a notice to each school district in which a campus described by Section 29.202 is located that:

(1) identifies each campus in the district that meets the description in Section 29.202; and

(2) informs the district that the district must comply with Subsection (b).

(b) Not later than July 15 of each year, a school district shall notify the parent of each student in the district assigned to attend a campus described by

Section 29.202 that the student is eligible for a public education grant. The notice must contain a clear, concise explanation of the public education grant program and of the manner in which the parent may obtain further information about the program.

(2) On page 4, line 21, strike "SECTION 2" and substitute "SECTION 3".

(3) On page 5, line 9, strike "SECTION 3" and substitute "SECTION 4".

(4) On page 5, line 26, strike "SECTION 4" and substitute "SECTION 5".

(5) On page 6, line 1, strike "SECTION 5" and substitute "SECTION 6".

(Speaker in the chair)

Amendment No. 1 was adopted without objection.

### **Amendment No. 2**

Representative Cuellar offered the following amendment to **CSHB 318**:

Amend **CSHB 318** on page 4, between lines 20 and 21, by inserting a new SECTION 2 of the bill to read as follows and by renumbering subsequent sections of the bill accordingly:

SECTION 2. Subchapter G, Chapter 29, Education Code, is amended by adding Section 29.204 to read as follows:

Sec. 29.204. CONTRACT AUTHORITY. The board of trustees of a school district may contract under Section 11.157 for the provision of educational services to a district student eligible to receive a public education grant under Section 29.202.

Amendment No. 2 was adopted without objection.

### **Amendment No. 3**

Representative Wilson offered the following amendment to **CSHB 318**:

Amend **CSHB 318** by inserting the following after line 20, page 4:

(h) Notwithstanding any other provision of this code, once a student eligible for a public education grant under this subchapter is rejected for enrollment by a public school, that student may attend a private school selected by the student's parent or guardian. The private school the student attends shall report the student's attendance to the district in which the student resides and shall receive compensation for services rendered in accordance with reasonable financial rules adopted by the Commissioner. The private school may not charge the student, or the student's parent or guardian tuition above the amount of the public education grant. The school district in which the student resides is entitled to the excess of the public education grant over tuition charged by the private school.

Representative Hochberg moved to table Amendment No. 3.

A record vote was requested.

The vote of the house was taken on the motion to table Amendment No. 3 and the vote was announced yeas 69, nays 66.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows: (Record 323): 68 Yeas, 68 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Bonnen; Burnam; Chavez; Cook; Counts; Danburg; Davila; Davis; Driver; Dukes; Dunnam; Edwards; Ehrhardt; Farrar; Finnell; Flores; Giddings; Goolsby; Gray; Greenberg; Gutierrez; Hawley; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Jones, D.; Jones, J.; Keel; King; Lewis, R.; Luna; Maxey; McClendon; McReynolds; Moreno; Naishtat; Oakley; Olivo; Patterson; Pickett; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Serna; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Brimer; Carter; Chisum; Christian; Clark; Corte; Crabb; Craddick; Cuellar; Culberson; Denny; Dutton; Elkins; Galloway; Garcia; Goodman; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Kamel; Keffer; Krusee; Kuempel; Lewis, G.; Longoria; Madden; Marchant; McCall; Merritt; Moffat; Mowery; Nixon; Palmer; Pitts; Rabuck; Reyna, E.; Roman; Sadler; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Talton; Uher; Walker; Williams; Williamson; Wilson; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bosse; Eiland; Glaze; Kubiak; West.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Swinford.

Absent — Berlanga; Oliveira.

The speaker stated that the motion to table Amendment No. 3 was lost by the above vote.

### STATEMENT OF VOTE

When Record No. 323 was taken, I was in the house but away from my desk. I would have voted yes.

Berlanga

#### Amendment No. 4

Representative Dunnam offered the following amendment to Amendment No. 3:

Amend Floor Amendment of Wilson to **CSHB 318** by inserting the following after page 1, line 14:

(i) A private school which accepts or receives funds under subsection (h) of this chapter may not discriminate based upon ethnicity, color, gender, religion, national origin, residence or prior educational performance.

Amendment No. 4 was withdrawn.

(Bosse now present)

#### Amendment No. 5

Representative Dunnam offered the following amendment to Amendment No. 3:

Amend Floor Amendment of Wilson to **CSHB 318** by inserting the following after page 1, line 14:

(i) A private school which accepts or receives funds under subsection (h) of this chapter may not discriminate based upon ethnicity, color, gender, religion, disability, national origin, residence or prior educational performance.

Amendment No. 5 was withdrawn.

### **Amendment No. 6**

Representative Dunnam offered the following amendment to Amendment No. 3:

Amend Floor Amendment of Wilson to **CSHB 318** by inserting the following after page 1, line 14:

(i) A private school which accepts or receives funds under subsection (h) of this chapter may not discriminate based upon ethnicity, color, gender, religion, disability, citizenship, national origin, residence or prior educational performance.

(Coleman, Delisi, Eiland, Gallego, Glaze, Junell, and Swinford now present)

A record vote was requested.

Amendment No. 6 was adopted by (Record 324): 84 Yeas, 59 Nays, 2 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Burnam; Chavez; Coleman; Cook; Counts; Danburg; Davila; Davis; Dukes; Dunnam; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Flores; Gallego; Garcia; Giddings; Glaze; Gray; Greenberg; Gutierrez; Hawley; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Jones, D.; Jones, J.; Junell; King; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno; Mowery; Naishtat; Oakley; Olivo; Patterson; Pickett; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Seaman; Serna; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; Williams; Williamson; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Bonnen; Brimer; Carter; Chisum; Christian; Clark; Corte; Crabb; Craddick; Delisi; Denny; Driver; Dutton; Elkins; Galloway; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Kamel; Keel; Keffer; Krusee; Madden; Marchant; McCall; Merritt; Moffat; Nixon; Palmer; Pitts; Rabuck; Reyna, E.; Roman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C); Cuellar.

Absent, Excused — Kubiak; West.

Absent — Culberson; Oliveira.

**STATEMENTS OF VOTE**

I was shown voting present, not voting on Record No. 324. I intended to vote yes.

Cuellar

I was shown voting yes on Record No. 324. I intended to vote no.

Ramsay

**STATEMENT BY REPRESENTATIVE CLARK**

I voted against Representative Dunnam's amendment to Representative Wilson's amendment to **HB 318** because Mr. Dunnam made it clear during the debate that he intended to prevent religious affiliated schools which required children to attend a religious service from accepting any students or funds under Mr. Wilson's amendment. Mr. Dunnam also made it clear that a child could not go to a school that accepted only girls or only boys, even though studies have shown that some students benefit from non-coed classes.

Clark

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business:

Oliveira on motion of Raymond.

**CSHB 318 - (consideration continued)**

Amendment No. 3, as amended, was withdrawn.

**Amendment No. 7**

Representative Howard offered the following amendment to **CSHB 318**:

Amend **CSHB 318** by striking page 3, line 14 through page 4, line 1 and inserting the following:

~~[(c)]~~ A school district chosen by a student's parent under Section 29.201 is entitled to ~~[accept or]~~ reject the application for the student to attend school in that district only if 95 percent or more of the available positions for the grade level for which the student is applying are filled. The district ~~[but]~~ may not use criteria that discriminate on the basis of a student's race, ethnicity, academic achievement, athletic abilities, language proficiency, sex, or socioeconomic status. A school district that has more acceptable applicants for attendance under this subchapter than available positions must give priority to students at risk of dropping out of school as defined by Section 29.081 and must fill the available positions by lottery. However, to achieve continuity in education, a school district may give preference over at-risk students to enrolled students and to the siblings of enrolled students residing in the same household or other children residing in the same household as enrolled students for the convenience of parents, guardians, or custodians of those children.

Amendment No. 7 was adopted without objection.

**CSHB 318**, as amended, was passed to engrossment.

**HB 1553 ON SECOND READING**  
**(by Yarbrough)**

**HB 1553**, A bill to be entitled An Act relating to court costs assessed for certain offenses to provide funding for child safety programs.

**Amendment No. 1**

Representative Puente offered the following amendment to **HB 1553**:

Amend **HB 1553** as follows:

On page 1, line 9, strike "~~greater than~~ 850,000 or more" and substitute "950,000 or more [~~greater than 850,000~~]".

Amendment No. 1 was adopted without objection.

**HB 1553**, as amended, was passed to engrossment. (Corte recorded voting no)

**LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for the remainder of today to attend a meeting of the conference committee on **HB 1**:

Junell on motion of R. Lewis.

Gallego on motion of R. Lewis.

Delisi on motion of R. Lewis.

Swinford on motion of R. Lewis.

Coleman on motion of R. Lewis.

Glaze on motion of R. Lewis.

Eiland on motion of R. Lewis.

**HB 1665 ON SECOND READING**  
**(by Oliveira)**

**HB 1665**, A bill to be entitled An Act relating to disclosure of the location of certain subsurface conditions by a person who is selling unimproved real property to be used for residential purposes.

Representative Solis moved to postpone consideration of **HB 1665** until 10 a.m. Wednesday, May 7.

The motion prevailed.

**HB 1518 ON SECOND READING**  
**(by Farrar, Puente, Davila, and Hernandez)**

**HB 1518**, A bill to be entitled An Act relating to an exemption from ad valorem taxation of the property of a neighborhood association.

**HB 1518** was passed to engrossment. (Finnell and Madden recorded voting no)

**CSHB 1689 ON SECOND READING**  
**(by Talton)**

**CSHB 1689**, A bill to be entitled An Act relating to the invocation of the rule in a criminal trial.

Representative Dutton raised a point of order against further consideration of **CSHB 1689** under Rule 4, Section 11(b) of the House Rules on the grounds that no notice was given of the April 17 formal meeting during which the bill was reported.

The speaker sustained the point of order.

The bill was returned to the Committee on Criminal Jurisprudence.

**HB 1708 ON SECOND READING**  
**(by G. Lewis)**

**HB 1708**, A bill to be entitled An Act relating to assignment of certain premium tax credits.

**HB 1708** was passed to engrossment.

**CSHB 2055 ON SECOND READING**  
**(by Maxey)**

**CSHB 2055**, A bill to be entitled An Act relating to prepaid higher education tuition scholarships for needy students.

Representative Grusendorf raised a point of order against further consideration of **CSHB 2055** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that rulemaking authority is granted to the Texas Higher Coordinating Board and to the board of a direct support organization in Section 1 of the bill, but the rulemaking authority statement in the bill analysis indicates that the bill does not grant rulemaking authority.

The point of order was withdrawn.

Representative Maxey moved to postpone consideration of **CSHB 2055** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

**CSHB 1780 ON SECOND READING**  
**(by Greenberg, et al.)**

**CSHB 1780**, A bill to be entitled An Act relating to the purchase of service credit in the Employees Retirement System of Texas and the Teacher Retirement System of Texas.

**CSHB 1780** was passed to engrossment.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Stiles requested permission for the Committee on Calendars to meet while the house is in session.

Permission to meet was granted without objection.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 6 p.m. today, speakers committee room.



**HB 1945 ON SECOND READING****(by Naishtat, et al.)**

**HB 1945**, A bill to be entitled An Act relating to the establishment of caseload standards for certain employees of the Texas Department of Human Services or the Department of Protective and Regulatory Services.

**HB 1945** was passed to engrossment.

**CSHB 3221 ON SECOND READING****(by Walker)**

**CSHB 3221**, A bill to be entitled An Act relating to registration and reporting requirements for certain persons who handle used oil.

Representative Walker moved to postpone consideration of **CSHB 3221** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

**HB 1176 ON SECOND READING****(by Allen, et al.)**

**HB 1176**, A bill to be entitled An Act relating to public access to conviction and deferred adjudication information and to certain sex offender registration information maintained by the Department of Public Safety.

**HB 1176** was passed to engrossment.

**CSHB 1610 ON SECOND READING****(by B. Turner)**

**CSHB 1610**, A bill to be entitled An Act relating to a requirement of filing of a release of a judgment lien for ad valorem taxes on payment of the amount of the judgment.

**Amendment No. 1**

Representative B. Turner offered the following amendment to **CSHB 1610**:

Amend **CSHB 1610** as follows:

On page 1, lines 15 and 16, strike "county in which the property is located" and substitute "court in which the judgment was rendered".

Amendment No. 1 was adopted without objection.

**CSHB 1610**, as amended, was passed to engrossment.

**CSHB 1117 ON SECOND READING****(by Giddings)**

**CSHB 1117**, A bill to be entitled An Act relating to the creation and powers of a neighborhood empowerment zone.

**CSHB 1117** was passed to engrossment.

**CSHB 2257 ON SECOND READING****(by Luna and Allen)**

**CSHB 2257**, A bill to be entitled An Act relating to the audit required for

forfeited property and proceeds received by a law enforcement agency or an attorney representing the state.

**CSHB 2257** was passed to engrossment. (Keel recorded voting no)

**CSHB 2776 ON SECOND READING**  
**(by Jackson)**

**CSHB 2776**, A bill to be entitled An Act relating to the regulation of state superfund sites.

**CSHB 2776** was passed to engrossment.

**HB 1789 ON SECOND READING**  
**(by G. Lewis)**

**HB 1789**, A bill to be entitled An Act relating to reductions by certain insurers in writing or in the authority of agents to bind or solicit certain types of personal lines insurance.

**Amendment No. 1**

Representative G. Lewis offered the following amendment to **HB 1789**:

Amend **HB 1789** as follows:

On page 2, line 7, between "withdrawal" and "and" insert "or implementation of plans to restrict the writing of new business pursuant to subsection (a)(2) of this section, including those such plans implemented subsequent to the commissioner's publishing of notice of intention to impose a moratorium regarding the catastrophic event related to such plans,".

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative G. Lewis offered the following amendment to **HB 1789**:

Amend **HB 1789** as follows:

1) On page 1, line 9, after "(a)" add (1).

2) On page 2, line 5, after the period insert the following:

" (2) If within six months after a catastrophic event of natural origin an insurer, in response to such catastrophic event, wishes to restrict its writing of new business in a personal line of comprehensive motor vehicle or residential property insurance in a rating territory, it shall prepare and file a plan as to such proposed plan of restriction with the commissioner for the commissioner's review and comment. Approval of such plan is not required and the insurer may institute such plan fifteen days after filing."

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representative G. Lewis offered the following amendment to **HB 1789**:

Amend **HB 1789** as follows:

On Page 2, line 15, between the period and "The" insert "Such notice and hearing shall be governed by provisions of Chapter 2001, Government Code, related to contested cases and of Section (b) of the Texas Insurance Code,

Art. 1.33B. The Commissioner shall, by rule, establish reasonable criteria for applying the above set forth standards for determining whether to impose a moratorium."

Amendment No. 3 was adopted without objection.

#### **Amendment No. 4**

Representative G. Lewis offered the following amendment to **HB 1789**:

Amend **HB 1789** as follows:

On page 2, line 20, strike SECTION 2 of the bill and substitute the following:

SECTION 2. This Act takes effect September 1, 1997, and applies only to a reduction or restriction in writing new business by an insurer on or after that date. A reduction or restriction in writing new business by an insurer before the effective date of this Act in an insurer's writing of personal lines motor vehicle comprehensive or residential property insurance is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 4 was adopted without objection.

#### **Amendment No. 5**

Representative G. Lewis offered the following amendment to **HB 1789**:

Amend **HB 1789** as follows:

- 1) On page 1, line 13, strike "liability" and substitute "comprehensive".
- 2) On page 1, line 15, strike "or to restrict".
- 3) On page 1, strike lines 16 - 17.
- 4) On page 1, line 18, strike "property insurance".
- 5) On page 1, line 15, strike "25" and replace it with "50".
- 6) On page 2, beginning on line 9, strike "at a public hearing with public participation" and replace it with "after notice and public hearing".
- 7) On page 2, line 14, strike "liability" and substitute "comprehensive".

Amendment No. 5 was adopted without objection.

**HB 1789**, as amended, was passed to engrossment.

#### **HB 540 ON SECOND READING (by Serna)**

**HB 540**, A bill to be entitled An Act relating to educational programs offered to colonia residents by the Texas Department of Housing and Community Affairs.

**HB 540** was passed to engrossment.

#### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

#### **CSHB 793 ON SECOND READING (by Merritt, Ramsay, et al.)**

**CSHB 793**, A bill to be entitled An Act relating to notice that entry on property is forbidden for the purpose of prosecuting the offense of trespass.

(West now present)

**Amendment No. 1**

Representative Merritt offered the following amendment to **CSHB 793**:

Amend **CSHB 793** as follows:

On page 1, line 20, following "length", insert "and not less than one inch in width".

Amendment No. 1 was adopted without objection.

**CSHB 793**, as amended, was passed to engrossment.

**CSHB 1755 ON SECOND READING**  
**(by Burnam)**

**CSHB 1755**, A bill to be entitled An Act relating to a mortgage guaranty insurance policy.

**Amendment No. 1**

Representative Burnam offered the following amendment to **CSHB 1755**:

Amend **CSHB 1755**, on page 2, line 2, between "(c)" and "In", by inserting the following:

"The commissioner by rule may conform the notice requirements of Subsection (a) of this section to related requirements under federal law and may require lenders to disclose to borrowers the conditions which the borrower must meet in order to cancel the borrower's mortgage guaranty insurance. Not later than the 10th day after the date the commissioner adopts a rule changing the requirements under this section, the commissioner shall publish the new notice requirements in the Texas Register.

(d)"

Amendment No. 1 was adopted without objection.

**CSHB 1755**, as amended, was passed to engrossment.

**CSHB 1483 ON SECOND READING**  
**(by Danburg, Denny, J. Jones, Gallego, Madden, et al.)**

**CSHB 1483**, A bill to be entitled An Act relating to certain early voting processes and procedures; providing a criminal penalty.

**Amendment No. 1**

Representative Danburg offered the following amendment to **CSHB 1483**:

Amend **CSHB 1483** on page 11, line 10, by striking "this section" and substituting "Subsection (a) or (b) [this section]".

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representatives Denny and Danburg offered the following amendment to **CSHB 1483**:

Amend **CSHB 1483** as follows:

(1) Strike SECTION 19 of the bill (page 12, line 14 through page 13, line 3, committee report).

(2) Insert the following appropriately numbered sections to read as follows:

SECTION \_\_\_\_\_. Section 87.002, Election Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) Except as provided by Subsection (d), the [The] presiding judge is appointed in the same manner as a presiding election judge. Except as provided by Subsection (c), the [The] other members are appointed by the presiding judge in the same manner as the precinct election clerks.

(c) In the general election for state and county officers, each county chair of a political party with nominees on the general election ballot shall submit to the county election board a list of names of persons eligible to serve on the early voting ballot board. The county election board shall appoint at least one person from each list to serve as a member of the early voting ballot board. The same number of members must be appointed from each list.

(d) In addition to the members appointed under Subsection (c), the county election board shall appoint the presiding judge from the list provided under that subsection by the political party whose nominee for governor received the most votes in the county in the most recent gubernatorial general election.

SECTION \_\_\_\_\_. Subsections (a), (i), and (j), Section 87.027, Election Code, are amended to read as follows:

(a) A signature verification committee may be appointed in any election. The early voting clerk is the authority responsible for determining whether a signature verification committee is to be appointed. If the clerk determines that a committee is to be appointed, the clerk shall issue a written order calling for the appointment. Section 87.0271 supersedes this section to the extent of a conflict.

(i) The signature verification committee shall compare the signature of each carrier envelope certificate, except those signed for a voter by a witness, with the signature on the voter's ballot application to determine whether the signatures are those of the same person. The committee may also compare the signatures with the signature on the voter's registration application to confirm that the signatures match but may not use the registration application signature to determine that the signatures do not match. A determination under this subsection that the signatures do not match must be made by a majority vote of the committee's membership. The committee shall place the jacket envelopes, carrier envelopes, and applications of voters whose signatures do not match in separate containers from those of voters whose signatures match. The committee chair [chairman] shall deliver the sorted materials to the early voting ballot board at the time specified by the board's presiding judge but within the period permitted for the early voting clerk's delivery of early voting ballots to the board.

(j) If a signature verification committee is appointed, the early voting ballot board shall follow the same procedure for accepting the early voting ballots voted by mail as in an election without a signature verification committee, except that the board may not determine whether a voter's signatures on the carrier envelope certificate and ballot application match if the committee has determined that the signatures match. If the committee has determined that the signatures do not match, the board may make a determination that the signatures match by a majority vote of the board's membership.

SECTION \_\_\_\_ Subchapter B, Chapter 87, Election Code, is amended by adding Section 87.0271 to read as follows:

Sec. 87.0271. COMMITTEE REQUIREMENTS SPECIFIC TO GENERAL ELECTION FOR STATE AND COUNTY OFFICERS. (a) A signature verification committee shall be appointed in the general election for state and county officers on receipt by the early voting clerk of a written request for the committee submitted by at least 15 registered voters of the county. Except as provided by this section, Section 87.027 applies to the committee.

(b) If a signature verification committee is appointed under this section, each county chair of a political party with nominees on the general election ballot shall submit to the county election board a list of names of persons eligible to serve on the committee. The county election board shall appoint at least two persons from each list to serve as members of the committee. The same number of members must be appointed from each list.

(c) In addition to the members appointed under Subsection (b), the county election board shall appoint the chair of the committee from the list provided under that subsection by the political party whose nominee for governor received the most votes in the county in the most recent gubernatorial general election.

(3) Renumber the existing sections as appropriate.

Amendment No. 2 was adopted without objection.

**CSHB 1483**, as amended, was passed to engrossment.

### **POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

#### **HB 2061 ON SECOND READING (by Van de Putte, et al.)**

**HB 2061**, A bill to be entitled An Act relating to requiring certain individuals to file a statement of selective service status before enrolling in a public institution of higher education or receiving certain financial assistance.

**HB 2061** was read second time on May 2 and was postponed until this time.

#### **Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Solis, Representative Van de Putte offered the following committee amendment to **HB 2061**:

Amend **HB 2061** as follows:

- (1) In SECTION 1 of the bill, page 3, line 1, strike "form of a".
- (2) In SECTION 1 of the bill, page 3, lines 2-3, strike "distribute copies of the form and applicable rules to" and substitute "notify".
- (3) In SECTION 1 of the bill, page 3, line 3, between "higher education" and ":", insert "of the required statement and the applicable rules".
- (4) In SECTION 1 of the bill, page 3, line 3, strike "form" and substitute "statement".

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Burnam offered the following amendment to **HB 2061**:

Amend House Committee Report of **HB 2061** as follows:

(1) On page 1, starting on line 9 following "REGISTRATION," strike all of (a).

(2) Renumber subsequent sections accordingly.

Amendment No. 2 was adopted without objection.

**HB 2061**, as amended, was passed to engrossment.

**HB 2050 ON SECOND READING**  
**(by Garcia)**

**HB 2050**, A bill to be entitled An Act relating to the recall of a member of the board of trustees of a junior college district.

**HB 2050** was read second time on May 2 and was postponed until this time.

Representative Garcia moved to postpone consideration of **HB 2050** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

**GENERAL STATE CALENDAR**  
**(consideration continued)**

**HB 994 ON SECOND READING**  
**(by Brimer)**

**HB 994**, A bill to be entitled An Act relating to recomputation of an employer's unemployment compensation experience rate based on payment by the employer of certain voluntary contributions.

Representative Brimer moved to postpone consideration of **HB 994** until 10 a.m. Tuesday, May 13.

The motion prevailed without objection.

**CSHB 3269 ON SECOND READING**  
**(by Berlanga)**

**CSHB 3269**, A bill to be entitled An Act relating to requirements for evidences of coverages issued by health maintenance organizations.

**CSHB 3269** was passed to engrossment.

**CSHB 2129 ON SECOND READING**  
**(by Carter, et al.)**

**CSHB 2129**, A bill to be entitled An Act relating to the administration and financing of wireless service providers of 9-1-1 service.

**Amendment No. 1**

Representative Carter offered the following amendment to **CSHB 2129**:

Amend **CSHB 2129** on page 2, line 15, between "cents" and "for" by inserting "a month".

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Carter offered the following amendment to **CSHB 2129**:

Amend **CSHB 2129** page 4, between lines 20 and 21 by adding a new Subsection (j) to read as follows: (j) Nothing in this section precludes funds collected under Section 771.072 (Equalization Surcharge) from being used to cover costs under Section 771.0711(g), as necessary and appropriate, including for rural areas that may need additional funds for wireless 9-1-1.

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representative Carter offered the following amendment to **CSHB 2129**:

Amend **CSHB 2129** by adding a new section 4 as follows:

SECTION 4. This Act is governed by the provisions of Section 771.032, Health and Safety Code (Application of Sunset Act).

Renumber Section 4 as Section 5.

Amendment No. 3 was adopted without objection.

A record vote was requested.

**CSHB 2129**, as amended, was passed to engrossment by (Record 325): 72 Yeas, 65 Nays, 1 Present, not voting.

Yeas — Alvarado; Bailey; Berlanga; Bosse; Burnam; Carter; Chavez; Clark; Cook; Counts; Cuellar; Danburg; Davila; Davis; Denny; Dukes; Dunnam; Dutton; Ehrhardt; Farrar; Flores; Garcia; Giddings; Goodman; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Hunter; Jones, J.; Kamel; Keel; Keffer; King; Lewis, G.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno; Mowery; Naishtat; Nixon; Oakley; Olivo; Pickett; Place; Price; Puente; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Serna; Siebert; Solis; Telford; Thompson; Turner, B.; Turner, S.; Van de Putte; Wilson; Wise; Wolens; Yarbrough.

Nays — Alexander; Allen; Averitt; Bonnen; Brimer; Chisum; Christian; Corte; Crabb; Craddick; Culberson; Driver; Elkins; Finnell; Galloway; Goolsby; Grusendorf; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hupp; Isett; Jackson; Janek; Jones, D.; Krusee; Kuempel; Lewis, R.; Madden; Marchant; McCall; Merritt; Moffat; Palmer; Patterson; Pitts; Rabuck; Ramsay; Reyna, E.; Roman; Seaman; Shields; Smith; Smithee; Solomons; Staples; Talton; Tillery; Torres; Uher; Walker; West; Williams; Williamson; Wohlgemuth; Woolley; Zbrank.

Present, not voting — Mr. Speaker(C).



Absent, Excused — Eiland; Glaze; Kubiak; Oliveira.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Swinford.

Absent — Edwards; Stiles.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 325. I intended to vote no.

Clark

I was shown voting yes on Record No. 325. I intended to vote no.

Hunter

I was shown voting yes on Record No. 325. I intended to vote no.

Siebert

### CSHB 3513 ON SECOND READING

(by Greenberg)

**CSHB 3513**, A bill to be entitled An Act relating to the position classification plan for state employees.

**CSHB 3513** was passed to engrossment.

### CSHB 3391 ON SECOND READING

(by Smithee)

**CSHB 3391**, A bill to be entitled An Act relating to the licensing of banks as insurance agents; providing a penalty.

#### Amendment No. 1

Representative Smithee offered the following amendment to **CSHB 3391**:

Amend **CSHB 3391** as follows:

(1) On page 48, strike lines 26 and 27.

(2) On page 49, strike lines 1-4 and substitute the following:

SECTION 23. Article 21.11, Insurance Code, is amended to read as follows:

Art. 21.11. NONRESIDENT [~~COMMISSIONS TO NON-RESIDENTS; CANCELLATION OF NON-RESIDENT AGENT'S LICENSE; NON-RESIDENT AGENT NOT TO ACT AS SURPLUS LINES~~] AGENT

Sec. 1. NONRESIDENT AGENT LICENSE. (a) Notwithstanding Sections 3(a) and (b), Article 21.14, of this code, the department shall license a person who is not a resident of this state to act as a nonresident agent in accordance with Article 21.14 of this code, subject to the limitations of this article.

(b) An applicant for issuance of a license under this section must meet the requirements for issuance of a license under Article 21.14 of this code, except that the department shall waive any of those license requirements for an applicant with a valid license from another state or jurisdiction that has license requirements substantially equivalent to those of this state.

Sec. 2. RIGHTS OF LICENSE HOLDER. (a) Except as provided by this section, a license issued under this article to an individual who is not a resident

of this state grants the same rights and privileges afforded under a license issued under Article 21.14 of this code.

(b) A person who holds a license issued under this article may not:

(1) maintain an office in this state;

(2) solicit insurance business in this state by any method, including an oral, written, or electronic communication; or

(3) employ solicitors or others to directly or indirectly solicit insurance in this state.

(c) The commissioner shall impose on a resident of another state or jurisdiction of the United States who is an applicant for a license or a holder of a license issued under this article any requirement or restriction that:

(1) the other state or jurisdiction of the United States imposes on a resident of this state who is a nonresident applicant or license holder in that state or jurisdiction; and

(2) is in addition to or stricter than the requirements or restrictions imposed under the insurance law of this state on an applicant or license holder who is not a resident of this state.

(d) For purposes of Subsection (c) of this section, "requirement or restriction" includes a requirement or restriction imposed by a law or regulation that:

(1) limits the rights or privileges of a person;

(2) affects a commission or other compensation paid to a person; or

(3) imposes a condition precedent on a person.

Sec. 3. LIMITATIONS. (a) This article does not permit:

(1) [Any person, agent, firm, or corporation licensed by the Board to act as a fire and marine, marine, tornado, rent, accident, casualty, liability, health, elevator, disability, plate glass, burglary, bonding, title, surety or fidelity insurance agent in the State of Texas, is hereby prohibited from paying, directly or indirectly, any commission, brokerage or other valuable consideration on account of any policy or policies covering property, person or persons in this State, to any person, persons, agent, firm or corporation that is a non-resident of this State, or to any person or persons, agent, firm or corporation not duly licensed by the Board as a fire, fire and marine, marine, tornado, rent, accident, casualty, liability, health, elevator, disability, plate glass, burglary, bonding, title, surety or fidelity insurance agent; excepting however, that on any policy of insurance originated by a Licensed Non-Resident Insurance Agent, as hereinafter defined, and covering property or persons in this State, a Texas local Recording Agent may divide the commission with the originating Licensed Non-Resident Insurance Agent, but in any such case the insurance company or carrier shall pay to the Texas Local Recording Agent through which such policy is issued, signed or countersigned, his minimum share, which shall be a sum not less than the amount of commission or brokerage required to be paid by the laws or regulations of the State of such originating Non-Resident Agent when a similar policy of insurance is originated by a Texas Local Recording Agent covering persons or property in such other State.

[Nothing herein shall prevent a Texas Local Recording Agent from dividing with, or paying commissions to, another Texas Local Recording Agent. Nothing herein shall relieve any insurance company or carrier covered thereby

~~from writing Texas risks through Texas agents as provided in Article 21.09, Insurance Code.~~

~~[A Licensed Non-Resident Insurance Agent is any person, firm or corporation residing or domiciled in another State and having a Non-Resident Insurance Agent's license as is hereinafter authorized.~~

~~[Upon application, in such form as the Board of Insurance Commissioners may require, a non-resident of this State who is duly licensed to transact insurance other than life under the laws of the State wherein such applicant resides, if such State does not prohibit residents of this State from acting as insurance agent therein, the Board of Insurance Commissioners may issue to such applicant a Non-Resident Agent's license.~~

~~[The issuance of a Non-Resident Agent's license shall be for the purpose of permitting a Local Recording Agent of Texas to divide commission with an agent of another State on insurance covering property or persons in this State placed with or through a Local Recording Agent, and to permit an agent of another State, who qualifies and is licensed as a Non-Resident Agent, to inspect and service such risks in Texas, which license shall be subject to the same fees, qualifications, requirements and restrictions as apply to Local Recording Agents of this State, except that an office shall not be maintained in this State by a Non-Resident Agent and all such insurance transacted shall be through licensed Local Recording Agents as provided in Article 21.09 of the Texas Insurance Code; and provided further that a Non-Resident Agent shall transact all matters with the Board of Insurance Commissioners relating to rates and rate engineering and terminology of standard policy forms through Local Recording Agents, and nothing contained herein shall be construed as granting authority to a Non-Resident Agent to transact such matters directly with the Board of Insurance Commissioners; and, except that the Board of Insurance Commissioners, at its discretion, on payment by applicant of the examination fee, may enter into a reciprocal arrangement with the officer having jurisdiction of insurance business in any other State to accept in lieu of the written examination of such an applicant residing therein, a certificate of such officer to the effect that the applicant is licensed as an insurance agent in such State and has complied with its qualification standards in respect to the following:~~

~~[(a) Experience or training;~~

~~[(b) Reasonable familiarity with the broad principles of insurance, licensing and regulatory laws, and with provisions, terms, and conditions of the insurance which applicant proposes to transact; and~~

~~[(c) A fair and general understanding of the obligations and duties of an insurance agent.~~

~~[Nothing contained herein shall be construed to permit] any person or firm [who is] licensed solely as a broker in the person's or firm's state [State] of [his] residence to be granted a [Non-Resident] license under this article [as referred to herein];~~

~~(2) [provided further that nothing contained herein shall be construed to permit] a holder of a [Non-Resident Agent's] license issued under this article to act as a surplus lines agent [Surplus Lines Agent] under [the provisions of] Article 1.14-2 of this code [the Insurance Code] or to perform any of the acts permitted under Article 1.14-2 of this code, except as provided under Section 10, Article 21.54, of this code; [thereunder] or~~

(3) ~~[to permit]~~ any person or firm who holds a ~~[Non-Resident Agent's]~~ license issued under this article ~~[as authorized herein]~~ to engage in any form of direct solicitation of insurance within this state ~~[State]~~.

(b) ~~The commissioner shall revoke a nonresident agent's [A Non-Resident Agent's] license issued under this article if the commissioner finds [shall be cancelled and not be subject to reissuance when it is found by the Board of Insurance Commissioners] that the [such] license was obtained or is being used for the purpose of transacting insurance through a local recording agent [Local Recording Agent] in [such] a manner that permits the individual licensed under this article [as to permit a Non-Resident Agent], by subterfuge, to transact insurance as a local recording agent.~~

(c) ~~In the circumstances described by Subsection (b) of this section, the commissioner shall also revoke [Local Recording Agent, and in which event] the license of the affected local recording agent.~~

(d) ~~A license revoked under Subsection (b) or (c) of this section is [Local Recording Agent likewise shall be cancelled and] not [be] subject to reissuance before the fifth anniversary of the date the revocation is effective.~~

(e) ~~The commissioner shall order that any [and all] insurance transacted under an [such] arrangement described by Subsection (b) of this section [shall] be cancelled[, provided further that the provisions of Sections 16 and 17, Article 21.14 of the Insurance Code shall apply to such cancellation].~~

(f) ~~Article 21.01-2 of this code applies to licensing of a nonresident agent under this article.~~

Sec. 4. HOME OFFICE EMPLOYEE. This article does not affect the authority established under Section 20, Article 21.14, of this code of an actual full-time home office salaried employee of an insurance carrier licensed to do business in this state.

Sec. 5. RULES. The commissioner may adopt rules to implement this article.

SECTION 24. Article 21.09, Insurance Code, is repealed.

SECTION 25. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 1997.

(b) Sections 23 and 24 of this Act take effect July 1, 1997.

SECTION 26. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

Amendment No. 1 was adopted without objection.

**CSHB 3391**, as amended, was passed to engrossment.

### **CSHB 1144 ON SECOND READING** **(by B. Turner, et al.)**

**CSHB 1144**, A bill to be entitled An Act relating to the consolidation of herbicide, pesticide, and agricultural workplace chemical laws under the jurisdiction of the Department of Agriculture.

**Amendment No. 1**

Representative Puente offered the following amendment to **CSHB 1144**:

Amend **CSHB 1144**, by amending SECTION 2 to read as follows:  
SECTION 2. Chapter 75. Agriculture Code, is repealed.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Holzheuser offered the following amendment to **CSHB 1144**:

Amend **CSHB 1144** as follows:

1. On page 26, lines 5-6, strike "a licensed veterinarian, as provided by Section 76.105(a)" and substitute therefor "a person who is licensed to practice veterinary medicine by the State Board of Veterinary Medical Examiners".

2. On page 34, line 16, add "or" after ";", and on line 18, strike "; or" and add ".".

3. On page 34, strike lines 19-22.

4. On page 53, after line 23, add the following:

Sec. 76.118. EXEMPTION FOR LICENSED VETERINARIANS. The other provisions of this chapter notwithstanding, a person who is licensed to practice veterinary medicine by the State Board of Veterinary Medical Examiners and who is only using a restricted-use or state-limited-use pesticide or a regulated herbicide as a drug or medication during the course of the veterinarian's normal practice or as a private applicator may not be required to obtain a license under this chapter to purchase or use the restricted-use or state-limited-use pesticide or regulated herbicide.

Amendment No. 2 was adopted without objection.

**Amendment No. 3**

Representative Puente offered the following amendment to **CSHB 1144**:

Amend **CSHB 1144** as follows:

(1) On page 62, line 17, strike "[~~a~~]", and substitute "(a)".

(2) On page 62, strike lines 22 and 23, and substitute:

(b) Appeal under this section is governed by the substantial evidence rule.

(3) On page 62, line 25, strike "[~~a~~]", and substitute "(a)".

(4) On page 63, strike lines 8 and 9, and substitute:

(b) Appeal under this section is governed by the substantial evidence rule.

Amendment No. 3 failed of adoption.

**Amendment No. 4**

Representative Chavez offered the following amendment to **CSHB 1144**:

Amend **CSHB 1144** as follows:

On page 63, line 24, between "form" and "to", insert "printed in English and Spanish".

Amendment No. 4 was adopted without objection.

**CSHB 1144**, as amended, was passed to engrossment.

**CSHB 3047 ON SECOND READING****(by Alvarado, Longoria, A. Reyna, Rodriguez, et al.)**

**CSHB 3047**, A bill to be entitled An Act relating to the compensation of constables in certain counties.

A record vote was requested.

**CSHB 3047** failed to pass to engrossment by (Record 326): 41 Yeas, 81 Nays, 12 Present, not voting.

Yeas — Alvarado; Bailey; Berlanga; Bosse; Brimer; Burnam; Chavez; Cuellar; Davila; Davis; Dutton; Ehrhardt; Farrar; Flores; Garcia; Hawley; Hernandez; Hightower; Hochberg; King; Lewis, R.; Longoria; Luna; McClendon; Moreno; Olivo; Pickett; Price; Puente; Rangel; Raymond; Reyna, A.; Serna; Solis; Thompson; Torres; Turner, S.; Van de Putte; Wise; Wolens; Yarbrough.

Nays — Alexander; Allen; Averitt; Bonnen; Carter; Chisum; Christian; Clark; Corte; Crabb; Craddick; Culberson; Danburg; Denny; Driver; Dunnam; Elkins; Finnell; Galloway; Goodman; Goolsby; Gray; Grusendorf; Haggerty; Hamric; Heflin; Hilbert; Hilderbran; Hill; Hirschi; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Kamel; Keel; Keffer; Krusee; Kuempel; Madden; Maxey; McCall; Merritt; Moffat; Mowery; Naishtat; Nixon; Oakley; Palmer; Patterson; Pitts; Place; Rabuck; Ramsay; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Talton; Telford; Tillery; Turner, B.; Uher; Walker; West; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C); Cook; Counts; Dukes; Greenberg; Gutierrez; Hartnett; Hinojosa; Lewis, G.; McReynolds; Stiles; Zbraneck.

Absent, Excused — Eiland; Glaze; Kubiak; Oliveira.

Absent, Excused, Committee Meeting — Coleman; Delisi; Gallego; Junell; Swinford.

Absent — Edwards; Giddings; Jones, J.; Marchant; Williamson; Wilson.

**CSHB 1852 ON SECOND READING****(by Danburg, Madden, Hodge, J. Jones, et al.)**

**CSHB 1852**, A bill to be entitled An Act relating to certain voter registration processes and procedures.

Representative Danburg moved to postpone consideration of **CSHB 1852** until 10 a.m. Friday, May 9.

The motion prevailed without objection.

**HB 2629 ON SECOND READING****(by A. Reyna, Smith, et al.)**

**HB 2629**, A bill to be entitled An Act relating to the punishment for certain assaults committed against employees of primary or secondary schools.

**Amendment No. 1**

Representative A. Reyna offered the following amendment to **HB 2629**:

Amend **HB 2629** on page 2, lines 13 and 14, by striking "an offense under Subsection (a)(2) or (a)(3) is a Class A misdemeanor" and substituting "an offense under Subsection (a)(2) is a Class A misdemeanor, and an offense under Subsection (a)(3) is a Class B misdemeanor".

Amendment No. 1 was adopted without objection.

**HB 2629**, as amended, was passed to engrossment.

**CSHB 942 ON SECOND READING**  
(by Hilderbran, et al.)

**CSHB 942**, A bill to be entitled An Act relating to the AFDC and Medicaid benefits to children born to AFDC recipients.

**CSHB 942** was passed to engrossment.

**HB 1209 ON SECOND READING**  
(by Maxey)

**HB 1209**, A bill to be entitled An Act relating to payments to vendors doing business with state government.

**HB 1209** was passed to engrossment.

**HB 1791 ON SECOND READING**  
(by Alexander)

**HB 1791**, A bill to be entitled An Act relating to the lamps and lights on vehicles operated on highways; providing a penalty.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Siebert, Representative Alexander offered the following committee amendment to **HB 1791**:

Amendment to **HB 1791** by Representative Alexander:

p.1, line 13 after the word "chapter" add:

", or specified by a Standard or Recommended Practice of the Society of Automotive Engineers."

Amendment No. 1 was adopted without objection.

**HB 1791**, as amended, was passed to engrossment.

**HR 266 - ADOPTED**  
(by Staples)

Representative Staples moved to suspend all necessary rules to take up and consider at this time **HR 266**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 266**, Welcoming the sixth grade students of Centerville Elementary School to the State Capitol.

**HR 266** was adopted without objection.

**HR 821 - ADOPTED**  
**(by Clark)**

Representative Clark moved to suspend all necessary rules to take up and consider at this time **HR 821**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 821**, Recognizing May 10, 1997, as Tom Bean Founders' Day.

**HR 821** was adopted without objection.

**RULES SUSPENDED**

Representative Rangel moved to suspend the 5-day posting rule to allow the Committee on Urban Affairs to consider **HB 3603**.

The motion prevailed without objection.

Representative Oakley moved to suspend the 5-day posting rule to allow the Committee on Public Safety to consider **HB 3604**, **SB 651**, **SB 732**, **SB 1273**, **SB 1368**, and **SB 1756**.

The motion prevailed without objection.

Representative Berlanga moved to suspend the 5-day posting rule to allow the Committee on Public Health to consider **SB 208** and **SB 1313**.

The motion prevailed without objection.

Representative Thompson moved to suspend the 5-day posting rule to allow the Committee on Judicial Affairs to consider **SB 310** and **SB 743**.

The motion prevailed without objection.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Human Services, on recess today, Desk 41, to consider pending business.

Economic Development, cancelled today.

Pensions and Investments, on recess today.

Higher Education, 7:10 p.m. today, E2.016, Capitol Extension.

Energy Resources, on recess today.

Elections, on recess today, Desk 10, to consider **SB 500**.

**RECESS**

Representatives West and Rhodes moved that the house recess until 10 a.m. tomorrow in memory of Ken Sawin, principal of Lockhart High School.

The motion prevailed without objection.

The house accordingly, at 6:54 p.m., recessed until 10 a.m. tomorrow.



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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HB 3607** (by Counts), Relating to validating certain acts of the Garza County Underground and Fresh Water Conservation District.  
To Natural Resources.

**SB 12** to Public Safety.

**SB 14** to Pensions & Investments.

**SB 15** to Natural Resources.

**SB 16** to Natural Resources.

**SB 17** to County Affairs.

**SB 24** to Judicial Affairs.

**SB 130** to Elections.

**SB 642** to State Affairs.

**SB 839** to State Affairs.

**SB 844** to Natural Resources.

**SB 866** to Environmental Regulation.

**SB 940** to Public Health.

**SB 1041** to State, Federal & International Relations.

**SB 1066** to Public Health.

**SB 1081** to Public Health.

**SB 1203** to County Affairs.

**SB 1232** to Juvenile Justice & Family Issues.

**SB 1235** to County Affairs.

**SB 1339** to Land & Resource Management.

**SB 1407** to Ways & Means.

**SB 1425** to Ways & Means.

**SB 1451** to Ways & Means.

**SB 1469** to State Affairs.

**SB 1500** to Judicial Affairs.

**SB 1582** to Natural Resources.

**SB 1588** to Environmental Regulation.

**SB 1661** to Transportation.

**SB 1762** to Transportation.

**SB 1827** to Criminal Jurisprudence.

**SB 1835** to Criminal Jurisprudence.

**SB 1850** to State Affairs.

**SB 1864** to Business & Industry.

**SB 1871** to Revenue & Public Education Funding, Select.

**SB 1906** to Energy Resources.

**SB 1914** to State Affairs.

**SB 1925** to Land & Resource Management.

**SB 1937** to State Affairs.

**SCR 74** to Higher Education.

**SCR 83** to Rules & Resolutions.

**SJR 45** to Ways & Means.

#### **SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

##### **Senate List No. 19**

**SB 82, SB 93, SB 123, SB 226, SB 292, SB 327, SB 420, SB 503, SB 626, SB 635, SB 639, SB 646, SB 699, SB 702, SB 721, SB 804, SB 816, SB 833, SB 912, SB 1038, SB 1111, SB 1162, SB 1219, SCR 46, SCR 60, SCR 67, SCR 76**

##### **House List No. 48**

**HB 160, HB 243, HB 376, HB 527, HB 565, HB 634, HB 707, HB 799, HB 991, HB 1190, HB 1567, HB 2066, HB 2274, HCR 9, HCR 10, HCR 11, HCR 15, HCR 17, HCR 18, HCR 20, HCR 122, HCR 138, HCR 159, HCR 160, HCR 170, HCR 178, HCR 199**

#### **MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

##### **Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Tuesday, May 6, 1997

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 27** Harris

Relating to the regulation of persons that provide consumer credit information to third parties; providing a civil penalty.

**SB 577** Haywood

Relating to licensing and registration requirements under The Real Estate License Act; providing a penalty.

Respectfully,

Betty King  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Tuesday, May 6, 1997 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 699** Coleman SPONSOR: Barrientos

Relating to the requirements for licensing as a professional counselor.  
(AMENDED)

**HB 711** Cuellar SPONSOR: Truan

Relating to highway route designations for non-radioactive hazardous materials.  
(AMENDED)

**HB 729** Van de Putte SPONSOR: Truan

Relating to the facilities covered by and the emergency authority of the Texas Department of Health under the lead abatement law.  
(AMENDED)

**HB 749** Dunnam

SPONSOR: Sibley

Relating to the discharge of criminal proceedings because of delay in prosecution.  
(AMENDED)

**HB 1386** Gray SPONSOR: Brown  
Relating to the continuation and the functions of the Board of Pardons and Paroles.  
(AMENDED)

**HB 1929** McClendon SPONSOR: Zaffirini  
Relating to the investigation and reporting of child abuse or neglect.  
(AMENDED)

**HB 1955** Hilbert SPONSOR: Patterson  
Relating to the operation of ice skating centers.

**HB 1975** Smithee SPONSOR: Sibley  
Relating to the examination of certain insurance companies.  
(COMMITTEE SUBSTITUTE)

**HB 3490** Holzheuser SPONSOR: Bivins  
Relating to the Texas Experimental Research and Recovery Activity (TERRA) of the Railroad Commission of Texas.  
(AMENDED)

**HCR 29** Telford SPONSOR: Bivins  
Authorizing a cost-of-living increase in benefits for certain retirees proposed by the state board of trustees of the Texas Statewide Volunteer Firefighters' Retirement Fund.

**HCR 94** Ehrhardt SPONSOR: West  
Commending the efforts of the United States to address the misuse of explosive materials.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

**SB 290** (viva-voce vote)

**SB 1712** (31 YEAS, 0 NAYS)

Respectfully,

Betty King  
Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Tuesday, May 6, 1997 - 3

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

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THE SENATE HAS PASSED THE FOLLOWING MEASURES:**SB 108** Cain

Relating to conditions of community supervision, parole, and mandatory supervision for certain violent offenders.

**SB 371** Armbrister

Relating to the continuation and functions of the Texas Commission on Fire Protection and the transfer of certain commission functions to the state fire marshal and the Texas Department of Insurance.

**SB 612** Harris

Relating to a defense to prosecution for endangering a child.

**SB 813** Truan

Relating to improvement of career and technology education programs.

**SB 1099** Wentworth

Relating to salaries and fees for services of certain prosecutors.

**SB 1101** Wentworth

Relating to access to certain law enforcement and prosecutorial records under the open records law.

**SB 1340** Brown

Relating to certain fees related to water quality.

**SB 1479** Bivins

Relating to civil immunity for volunteers for institutions of higher education.

**SCR 84** Armbrister

Honoring Judge Jodie E. Stavinocha of Fort Bend County.

Respectfully,

Betty King

Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

May 5

Civil Practices - **HB 2421, HB 2864, HB 3087**

Corrections - **HB 1882, HB 3101, SB 67**

County Affairs - **SB 1455, SB 1782**

Criminal Jurisprudence - **HB 968, HB 2429, HB 2431, HB 2502, HB 3350, SB 381**

Economic Development - **SB 211, SB 1114, SB 1518**

Insurance - **HB 99, HB 1662, HB 2058, HB 2887, SB 585**

Juvenile Justice & Family Issues - **SB 798**

Land & Resource Management - **HB 1821, SB 94, SB 569, SB 570, SB 693, SB 1137, SB 1558, SB 1621**

Natural Resources - **HB 2665, HB 3387, HB 3586, HB 3589**

Public Education - **HB 1648, HB 2051, HB 3353**

Public Health - **HB 2472, SB 30, SB 264, SB 644, SB 788**

Public Safety - **HB 2095, HB 2251, HB 3018, SB 691, SB 1268**

State, Federal & International Relations - **SB 973**

Urban Affairs - **HB 2577, HB 3531, SB 269, SB 396**

Ways & Means - **HB 1201, SB 501, SB 1269**

#### **ENGROSSED**

May 5 - **HB 155, HB 226, HB 332, HB 349, HB 455, HB 629, HB 727, HB 839, HB 1001, HB 1006, HB 1161, HB 1203, HB 1259, HB 1310, HB 1334, HB 1356, HB 1439, HB 1498, HB 1534, HB 1542, HB 1611, HB 1742, HB 1855, HB 1868, HB 1961, HB 2067, HB 2192, HB 2482, HB 2703, HB 2906, HB 3189, HB 3194, HB 3254, HB 3281**

#### **SENT TO THE GOVERNOR**

May 5 - **HB 901, HB 1143, HB 1403, HB 1475, HB 2826, HCR 87**